IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

W.P. NO. 1086 (MS) OF 2004

Km. Nidhi Kediyal .....Petitioner.

Versus

The Principal & and another .....Respondents.

Hon'ble Rajesh Tandon, J.

Heard Sri R.P. Nautiyal, counsel for the petitioner and Sri Suresh Mishra, counsel for the respondents.

Briefly stated, the petitioner was given admission by the respondent no.1 in session 2002 in the Senior Wing of NCC Cadet Corps Course, conducted at G.P.P. Arya Girls Inter College, Ram Nagar, District Nainital.

She was given admission after verifying all the relevant forms required at the time of admission in the said course and after satisfying with the procedural norms of admission, the petitioner was admitted by awarding her registration no. USW/2002/260390.

Counsel for the petitioner has submitted that during the training course, she was performing extremely well in her academics career and as such the respondent no. 1 was fully satisfied with the conduct of the petitioner during the training camp held since 25.08.2003 to 05.09.2003 at Hawalbagh, and was awarded meritorious certificate on 05.09.2003 by camp commandant confirming the petitioner's conduct to be good.

Counsel for the petitioner has submitted that all of a sudden in the month of October, 2003 just after a week of the conclusion of the first training camp at Hawalbagh, the

petitioner was taken a back, when the respondent no. 1 verbally told the petitioner not to attend the course any further for the best reasons, known to her. No reasons have been assigned to the petitioner. Petitioner has submitted that her father has made representations to the respondent no. 1 but no reply has been given by the respondent. Further the representation dated 21st July, 2004 has not yet been disposed of.

Equity requires that once the petitioner was admitted in the said training course, it is not open for the respondent to discontinue the same during the course of the training and as such considering the aforesaid fact, the respondent are directed to consider the claim of the petitioner. In case, the representation is not decided within a period of 10 days, the petitioner shall continue the left over course of training.

Liberty is given to the petitioner to move a fresh representation within a period of 10 days on the said representation. The respondents are directed to pass a reasoned order.

Subject to the aforesaid observation, the writ petition is disposed of.

(RAJESH TANDON, J.)

05.11.2004

P.S.R.